

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

UNITED STATES OF AMERICA)
)
v.)
)
ARMON BEAVERS)

NO. 2:04-CR-45

ORDER

This supervised release revocation matter came before the Court on February 28, 2005, for a hearing, at which time it was stipulated by the defendant that he has violated the conditions of his supervised release by being charged in Arizona with transporting marijuana for sale and with use of drug paraphernalia, and by traveling outside the Eastern District of Tennessee on three occasions without permission from his probation officer or the Court. It was undisputed that the defendant's violation guideline range is now twenty-four (24) months to thirty (30) months, however, the defendant is subject to a maximum sentence of five (5) years under Title 18 §3583(e)(3) of the United States Code. The defendant stipulated that an appropriate sentence would be the maximum statutory sentence of five (5) years.

The Court has carefully considered the policy statements of Chapter 7 of the United States Sentencing Commission Guidelines. Because the policy statements

of Chapter 7 of the U.S.S.C.G. are a policy statements and not guidelines, and although the Court must consider these policy statements, the Court is not bound by them. *U.S. v. West*, 59 F.3d 32 (6th Cir. 1995). Based upon the defendant's stipulation and the defendant's pending state charges, the Court finds that it is in the interest of society, and in the interest of rehabilitating this defendant, that a sentence outside the suggested range is appropriate.

Accordingly, the Court **FINDS** that the defendant has violated the terms of his supervised release, and the Court will impose a sentence authorized by Title 18 §3583(e)(3). Therefore, it is hereby **ORDERED** that the defendant is sentenced to serve a term of five (5) years of incarceration with no further term of supervised release. The Court notes that the defendant has certain medical and dietary needs related to his diabetes and high blood pressure, and **RECOMMENDS** that the defendant be designated to the federal facility at Manchester, Kentucky provided it can provide for the defendant's medical needs. The defendant is **REMANDED** to the custody of the United State Marshal.

ENTER:

s/J. RONNIE GREER
UNITED STATES DISTRICT JUDGE